IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3809 of 2003

Between:

Vigneswara Cotton Traders, Etukuru road, Guntur**,** rep. By its sole prop. Mannava Venkata Siva Naga Prasad

. **.....**

PETITIONER

AND

1. Chief Manager (ADV), State Bank of Hyderabad, Regional Office, P.B.No. 1010, Patamata, Vijayawada – 10, Krishna District.
2. State Bank of Hyderabad, Kothapeta, Guntur, rep. by its Branch Manager
3. Union of India through Ministry of Finance, New Delhi.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other writ, order or direction in the nature of a writ declaring the Section 13 of the Securitisaion and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 as arbitrary and illegal and ultravires of the Constitution of India and consequently to set aside the impugned notice dated 26.12.2002 issued by the first respondent under the said Section of the Act and pass such other orders in the interest of justice.

For the Petitioner: Mr.G.PEDDA BABU

For the Respondents: Mr. ADDEPALLI SURYANARAYANA for respondents 1 & 2

Mr. A. Rajasekhar Reddy SC for CG, for R3.

The Court made the following Oral Order:
(Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot

be granted.

The Writ petition, therefore, is dismissed. W.P.M.P. also stands dismissed.

23rd day of June,2004.
Pnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1.The Chief Manager, (ADV), State Bank of Hyderabad, Regional Office,
P.B.No.1010, Patamata, Vijayawada 10, Krishna District.
2.Branch Manager, State Bank of Hyderabad, Kothapeta, Guntur.
3.The Secretary, Union of India, Ministry of Finance, New Delhi.
4. 2 C.D.copies.